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CHAPTER CXVIII.

A Further Supplement to "An act relative to the sale of land under a public statute or by virtue of any legal proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That when lands and tenements heretofore deeded to a widow in lieu of her dower, to use, occupy, have, hold and enjoy to her own use and benefit during her natural life, and which lands, by the terms of such conveyance, revert at her decease, to the grantors therein named, as tenants in common, who, upon the death of such widow, have taken proceedings to have the same divided among the several owners thereof, and under such proceedings the same have been sold by order of a court of competent jurisdiction, such sale shall not be invalidated or rendered void by reason of the statement in the advertisement of such sale that "said lands and tenements were the same premises whereof any such widow had died seized," or by any omission to state what other person or persons were seized of said lands and tenements; provided, that such proceedings were in all other respects according to law, the said property duly advertised and so described as to be plainly identified, and the sale thereof duly reported and confirmed, and a deed directed to be made to the purchaser; such confirmation and deed heretofore made in pursuance thereof, shall be as good and as effectual to transfer the title to the purchaser as if advertisement had been otherwise made.

2. And be it enacted, That this act shall take effect immediately.

Approved March 8, 1888.

CHAPTER CXIX.

An act to amend section four of the act entitled "An act concerning roads" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That section four of the act entitled "An act concerning roads, approved March twenty-fourth, one thousand eight hundred and seventy-four, shall be and the same is hereby amended so that it shall read as follows:

4. And be it enacted, That if any person shall think a private road necessary to or from his or her land, mill, market, public landing or public road, or shall think it necessary to have a private road vacated or altered, he or she shall make application in writing to the inferior court of common pleas of the county, or to the supreme court, as the case may require, having given notice of his or her intention at least ten days, and the court shall thereupon appoint three of the surveyors of the highways, as before directed, and the applicant and the surveyors shall be guided in all things as in the manner before prescribed, except that the signature of the applicant to the advertisement and to the notice to the surveyors shall be deemed sufficient.

2. And be it enacted, That this act shall take effect immediately.

Approved March 8, 1888.

CHAPTER CXX.

A Further Supplement to an act entitled "An act for the instruction and maintenance of indigent deaf and dumb, blind and feeble minded persons, inhabitants of this state," approved March twelfth, one thousand eight hundred and seventy-three.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all indigent and feeble minded females of this state, not otherwise provided for in the act to which this is a supplement, above fifteen years of age, may be sent by the governor or person administering the government to some suitable and convenient home, which the governor or person administering the government may select; in which home these females shall be entirely separate from the other sex, and shall receive such industrial and other training as they may be capable of, and also that moral and physical care which they need.

2. And be it enacted, That an annual sum not exceeding two hundred and thirty dollars for the training and maintenance of each female herein-before described, shall be appropriated out of any moneys not otherwise appropriated.

3. And be it enacted, That this act shall not conflict with sections three, four and eleven of the general act to which this is a supplement.

4. And be it enacted, That this act shall take effect immediately.

Approved March 8, 1888.

CHAPTER CXXI.

An Act to authorize the construction and maintenance of bridges and the approaches thereto, over navigable streams which mark the dividing line between counties in this state.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That where a navigable stream marks the dividing line between two counties of this state, and the respective boards of chosen freeholders of such counties have resolved, or may hereafter resolve, that a bridge or bridges across such stream at any point or points or between any points, is a public necessity, it shall and may be lawful for such boards jointly to construct and maintain such bridge or bridges, and the expense thereof shall be borne by the said counties equally.

2. And be it enacted, That whenever pier or wharf lines shall be or have been established by act of the legislature or by any person or persons, commission or board, or by any person or corporation, authorized by the act of the legislature to fix and establish such lines, then in every such case the structure to be erected by said boards of chosen freeholders shall extend from such pier line to pier line, and so much further only as may be necessary for the construction of proper foundations or abutments, and if in any case it shall be found necessary, in building such bridge, to place the abutments on either side of such stream upon a public highway, it shall be lawful so to do.

3. And be it enacted, That in case such bridge when constructed, will interfere with the navigation of such stream, then the same, when constructed, shall be provided with a suitable draw, the width of said draw to be determined by the said boards of chosen freeholders, any law, public or special, to the contrary notwithstanding, and to be placed as nearly as practicable at right angle with the channel of such stream, and of sufficient width to allow vessels used thereon to pass through the same freely, and the expenses of operating such draw and caring for such bridge shall be borne by such counties equally.

4. And be it enacted, That boards of chosen freeholders of said counties or the joint committees having charge of said bridge, may make such regulations not inconsistent with the provisions of this act, as they shall deem necessary for the protection of said bridge and the accommodation of passengers crossing the same, and may place the said bridge in the special care or charge of such suitable persons as they may appoint for that purpose, and may thereupon apply to the governor of this state to commission such person or persons to act as policeman in respect to the said bridge, and the enforcement of the provisions of this act, and of such regulations as shall be made as aforesaid.

5. And be it enacted, That if in any case it shall be found necessary to construct approaches to such bridge in order to connect the same with the public roads or streets at either end thereof, or to make such roads or streets conform to the grade of the bridge so constructed, then in every such case it shall be the duty of the common council, board of aldermen, township committee, or other governing body of the town, township or municipality through which such approach or approaches shall lie, to construct and maintain the same at the expense of such town, township or municipality.

6. And be it enacted, That for the purpose of furnishing the moneys necessary for building, rebuilding, repairing and maintaining any such bridge, it shall and may be lawful for said boards of chosen freeholders to use any moneys of their respective counties not otherwise appropriated, and to raise money from time to time by taxation and for the purpose of building and rebuilding such bridge, they may also issue the bonds of their respective counties for any sum not exceeding one hundred thousand dollars, and may negotiate and sell the same at any price not less than par; such bonds, if issued, shall be made payable in not more than twenty years from the date of their issue, and shall bear interest at a rate not greater than five per centum per annum, and for the purpose of furnishing the money to make and maintain such approach or approaches, it shall and may be lawful for the common council, board of aldermen, township committee or other governing body of the town, township or municipality through which such approach or approaches shall lie, to raise money by taxation and to issue the bonds of such town, township or municipality for such sum as may be found necessary to construct such approach or approaches, which bonds shall be issued under the same regulations as is herein provided for bonds to be issued by the said boards of chosen freeholders.

7. And be it enacted, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take immediately.

Approved March 8, 1888.

CHAPTER CXXII.

A Supplement to an act entitled "An act respecting the cutting of ice in cities in this state, and giving to boards of health in such cities, power to regulate and control the same," approved March eighteenth, one thousand eight hundred and eighty-five.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the provisions of the act to which this act is a supplement, be and the same hereby are extended to all boroughs, townships, towns and other local municipal governments in the state.

4. And be it enacted, That this act shall be deemed a public act and shall take effect immediately.

Approved March 8, 1888.

CHAPTER CXXIII.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That whenever a borough is or shall be organized under the act to which this is a supplement, and shall be found to contain within the bounds thereof more than four square miles, such incorporation shall not thereby be invalidated, but the territory embraced within said bounds shall be deemed and taken to be a lawfully incorporated borough under the act to which this is a supplement.

2. And be it enacted, That this act shall take effect immediately.

Approved March 8, 1888.

JOINT RESOLUTION, No. VIII.

Joint Resolution relative to the battle flags of the New Jersey volunteer regiments.

1. Be it resolved by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be and he is hereby authorized and directed to rent and render fire proof the room in the state house now occupied by the commissioners of the sinking fund, and that the adjutant general be directed to place the battle flags of the New Jersey volunteer regiments in a glass case in this room, and that he be directed not to allow them to be touched or to be taken from this fire-proof room by any one's order under any circumstances whatever, but to have the room open at all proper times for the inspection of the public.

2. And be it resolved, That all acts or parts of acts or joint resolutions inconsistent with this joint resolution be and the same are hereby repealed.

2. And be it resolved, That this joint resolution shall take effect immediately.

Approved March 8, 1888.

CHAPTER CXXIV.

An Act concerning cities.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That in any city of this state it shall be the duty of the officer now or hereafter authorized by law to make sale of land therein for unpaid or delinquent taxes and assessments for improvements which may be a lien thereon, to collect, receive and receipt for all such claims after authority to make such sale has been given, and to account therefor to the city treasurer in the same manner as other officers receiving money in behalf of the city are required by law to account.

2. And be it enacted, That all acts and parts of acts, general or special, public or private, inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1888.

CHAPTER CXXV.

A Further Supplement to "An act in relation to the improvement and maintenance of certain roads," approved March third, one thousand eight hundred and eighty-two.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That when the board of chosen freeholders of any county shall have expended not less than fifty thousand dollars in improving and keeping in repair any roads formerly toll-roads, as authorized by the act to which this is a supplement, it shall be lawful for such board to improve and keep and repair any other roads in such county, being within seven miles of the court-house of such county; and such board may, by the votes of two-thirds of all its members, expend on such roads in any one year, a sum not exceeding one-half the amount it is now authorized by law to expend in improving and keeping in repair the former toll-roads in such county; the expenditure herein authorized shall be in addition to any expenditure heretofore authorized for improving and keeping in repair any former toll-road in such county.

2. And be it enacted, That this act shall take effect immediately.

Approved March 12, 1888.

CHAPTER CXXVI.

An Act to authorize the issue of bonds for building public bridges in counties.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for the board of chosen freeholders of any county in this state, for the purpose of building any new public bridge or bridges in any county, to issue bonds in the corporate name and under the corporate seal of any county, signed by the director and the clerk of the board of chosen freeholders of any such county, and countersigned by the county collector thereof, to be denominated on their face "bridge bonds," to an amount not exceeding fifty thousand dollars; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding six per centum per annum, payable half-yearly, and shall be redeemable not exceeding ten years from their date, in the discretion of the board of chosen freeholders of any county; which bonds may be sold at public or private sale for the best price they can obtain for the same, but shall not be sold for less than their par value; and all real estate and property within any such county, shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

2. And be it enacted, That the board of chosen freeholders of any county that shall issue bonds by virtue of this act, shall have power and authority to provide by taxation for the payment of the said bonds, and the interest thereon, and shall yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner as other taxes are assessed and collected in such county, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

3. And be it enacted, That this act shall take effect immediately, but shall not apply to any county having over fifty thousand inhabitants as shown by the last state census.

Passed March 12, 1888.

CHAPTER CXXVII.

A Supplement to the act approved May sixth, one thousand eight hundred and eighty-seven, entitled "An act to amend an act entitled 'A supplement to an act entitled "An act for the incorporation of safe deposit and trust companies,"'" approved April twentieth, one thousand eight hundred and eighty-five.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That none of the associations or companies mentioned in the act to which this is a supplement, whether they be companies or associations under the act entitled "An act for the incorporation of safe deposit and trust companies," or companies or associations incorporated by any other law of this state, shall be required by any officer or court of this state to give security upon appointment to or acceptance of any office or trust which they are by law authorized or empowered to execute, or to which by the act to which this is a supplement or otherwise by law they are capable of being appointed; but any such company or association may be appointed to [illegible] and all such trusts and offices by any officer or court of this state without being required to give security for the discharge of the duties of such trust or appointment or office; the capital stock and accumulated surplus of such company or association to stand as security and to be held liable for the faithful performance of its duties and obligations under such trusts and appointments, and its other lawful contracts under the special powers conferred upon it by law, in preference to all other debts, demands, claims, obligations and liabilities whatever.

1. And be it enacted, That the second section of the act entitled "A supplement to the act entitled 'An act for the incorporation of safe deposit and trust companies,'" approved April twentieth, one thousand eight hundred and eighty-five, which supplement was passed April sixth one thousand eight hundred and eighty-six, which section is as follows:

"2. And be it enacted, That any association accepting trusts under the provisions of this act shall not be required to give security therefor, and in lieu thereof, its capital stock and its surplus shall be held liable in preference of all other liabilities, for the faithful performance of its duties under the trusts," shall be construed in accordance with the provisions of the preceding section of this act in that behalf, and that it be and is hereby amended accordingly.

3. And be it enacted, That it shall be lawful for any such company or association as is mentioned in the first section of this act, if it shall deem it proper so to do, to create, by an increase of its capital stock for the purpose, a fund or funds to be specially set apart for and devoted to specially securing its liability in one or more of its branches of lawful business under its special powers; and such fund or funds, when so raised or created, shall be so devoted and set apart accordingly, and shall not be subject or applicable to any other debts or liabilities of the company or association, until those to the discharge whereof it or they are devoted, shall have been satisfied or shall cease to exist.

2. And be it enacted, That this act shall take effect immediately.

Approved, March 13, 1888.

CHAPTER CXXVIII.

An Act to authorize and enable counties in this state to acquire and improve lands for public parks, and to maintain and regulate the same.

Whereas, In densely populated districts, it is desirable in the interest of public health and for the general welfare that public parks should be established and maintained for the use and recreation of the inhabitants; therefore,

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That when two hundred or more persons, being freeholders and owners of lands in any county, and any incorporated company or companies of this state owning lands in such county, the aggregate assessed value of which lands so owned by said persons and corporation or corporations, is at least two millions of dollars, shall think a public park or public parks in such county necessary for the preservation of public health, and for the general welfare, it shall be lawful for the said persons to make application in writing to the circuit court of the said county, in open court, having given previous notice for at least ten days of such intended application, and also of the day on which such application is intended to be made, under the hands of at least ten of said applicants, and set up at five public places in such county, and also published in at least two newspapers published and circulating in such county, and the said court, when applied to as aforesaid, on due proof being made that the said petition has been signed and that the advertisements have been set up and published according to law, on which the judgment of said court shall be final and conclusive, is hereby authorized and required to nominate and appoint five judicious and reputable freeholders, residents of such county, who shall constitute a board of commissioners, to be known by the name of park commissioners of the county in and for which such commissioners shall be appointed; provided, nevertheless, that if the judge of said court shall not be present at the time and place for which notice of said application shall have been given, the matter shall be continued of course, until the next court-day, when such judge shall be present; and provided further, that said court may, by order entered in the minutes of said court, adjourn the said matter from time to time, not exceeding in the whole a period of sixty days, and may cause such further public notice to be given as the judge of said court may deem expedient before appointing such commissioners.

2. And be it enacted, That the commissioners so appointed shall hold office for one, two, three, four and five years, respectively, and that the judge of said circuit court shall designate the term of service for each of said commissioners; and thereafter, whenever a vacancy occurs in said board by reason of expiration of term of any of said commissioners, the said circuit court shall fill such vacancy by appointing a person duly qualified as aforesaid for a term of five years; nothing herein contained shall be construed to prevent the reappointment of any person to said office of park commissioner.

3. And be it enacted, That if a vacancy occurs in said board from any cause other than expiration of term of office, the said court shall fill such vacancy, and the person appointed to fill such vacancy shall be appointed and hold office for the unexpired term only.

4. And be it enacted, That said park commissioners shall receive no compensation for their services, except the commissioners acting as treasurer and as secretary, who may receive such reasonable compensation as the other members of said board of park commissioners may designate; but all actual expenses incurred by them in performance and discharge of their duties shall be refunded to them, respectively, by the county; that each of the persons so appointed shall, before entering upon the duties of said office, make oath before an officer of this state duly authorized to administer oaths, that he will faithfully, honestly and impartially, in the interest of the public and of the people of the county at large, perform the duties of park commissioner in and for said county, which oath shall be filed in the office of the clerk of such county.

5. And be it enacted, That it shall be lawful for the attorney general, at the relation of any freeholder of such county, to file a complaint in the circuit court of such county against any or all of said park commissioners, charging them, or either of them, with neglect of duty, incompetency or misconduct in office, and thereupon the said circuit court shall have jurisdiction in the premises, and may order the person or persons complained against to appear on a certain day and answer such complaint, which order shall be served in such manner as the judge of said court shall direct, at least two days before the return-day thereof, and thereupon the said court shall proceed to hear and determine the said matter in a summary manner, and the person or persons adjudged guilty by said court shall be forthwith removed from said office of park commissioner.

6. And be it enacted, That said park commissioners shall appoint from their own number a president, a secretary and a treasurer; the treasurer, before entering upon the duties of his office, shall give bond to the county in its corporate name in such sum as may be fixed and determined by resolution of the board of chosen freeholders, with sufficient sureties, conditioned for the due and faithful performance of the duties of said office of treasurer of said board, which bond shall be approved by the judge of the circuit court of such county and filed in the county clerk's office.

7. And be it enacted, That it shall be the duty of said park commissioners to select suitable sites for one or more public parks in their county; to ascertain from the owners of the lands so selected the price or prices at which the same can be purchased; to cause such lands to be surveyed, and careful estimates to be made by competent persons of the probable cost of improving such lands and making the same fit and serviceable for public park purposes; and also the probable annual expense of maintaining and keeping the same in order; and thereupon they shall make a report in writing, describing the location of the site or sites selected, the extent of each in acres, the price or prices for which the same may be purchased, the estimated probable expense of improving the same, and also the estimated annual expense of maintaining and keeping the same in order, which report shall be filed in the office of the clerk of the county in and for which said commissioners were appointed; they shall also cause a copy of said report to be published in at least five newspapers published and circulating in said county, at least once a week for three weeks successively; they shall also appoint a time and place when and where they will meet, and in connection with said report publish notices of such proposed meeting, at which meeting all persons who are taxpayers in said county and in said matter may appear and shall have a right to be heard before said commissioners, and said commissioners shall make at least two adjournments of said meeting for intervals of at least two weeks, and give public notice of such adjourned meetings, which notices shall be published in the same newspapers in which the original notice shall have been published, at which adjourned meetings all taxpayers of the county so desiring may be heard in regard to said matter, and at such meetings the said commissioners, or one of them, shall preside, and they shall have power to make and enforce all reasonable rules for the orderly conduct of such meetings.

8. And be it enacted, That after such meeting shall have been held, and taxpayers interested have been heard, the said commissioners shall have the power, if they, or a majority of them, deem it advisable so to do, from time to time, to enter into an agreement, or agreements, in the corporate name of the county, by and with the consent of the board of chosen freeholders of said county, for the purchase of one or more of the sites so selected, and said commissioners shall have power to improve the same for park purposes, and to that end to employ engineers, gardeners, mechanics, laborers, policemen and other necessary servants; and to make reasonable and proper rules and regulations for the use and enjoyment of the same by the public as a place or places for recreation; provided, nevertheless, that the cost of acquiring said lands and of converting the same into one or more public parks, with all necessary improvements thereon, shall, in the aggregate, not exceed one per centum of the assessed value of all the property, real and personal, in said county, liable to taxation for county purposes; and provided further, that the entire annual expense of keeping in order, regulating and maintaining said park or parks, including the annual interest on bonds to be issued for the cost of such park or parks and the improvement thereof, as hereinafter provided, shall not exceed one mill on the dollar of the assessed value of all property, real and personal, in said county liable to taxation for county purposes.

9. And be it enacted, That for the purpose of providing funds for the purchase of such lands and the improvement thereof as aforesaid, the said park commissioners shall, from time to time, make written requisition on the board of chosen freeholders of the county for the amount required, and thereupon it shall be the duty of the board of chosen freeholders to issue bonds of the denomination of one thousand dollars each, payable in thirty years from the date thereof, to be known as county park bonds of such county, but the aggregate amount of such bonds shall never exceed one per centum of the assessed value of all taxable property, real and personal, in such county, which bonds shall bear interest at a rate not exceeding four percentum per annum, payable semi-annually, and may be registered or coupon bonds; they shall be advertised for sale by notices published in at least five newspapers circulating in said county, and [illegible] the par value thereof; the said bonds shall be sealed with the seal of the county signed by the director of the board of chosen freeholders and countersigned by the county collector and also by the president of the board of park commissioners, and attested by the clerk of the board of chosen freeholders; they shall be numbered consecutively, and the number and disposition made of each bond shall be recorded by the clerk of the board of chosen freeholders in a book to be provided for that purpose and kept in said clerk's office.

10. And be it enacted, That all moneys received by the county collector from the sale of such bonds shall be paid over to the treasurer of the board of park commissioners, who shall safely keep the same until paid out on warrants ordered by a vote of a majority of said park commissioners, signed by the president and attested by the clerk of said board, and each warrant shall state on the face thereof the purpose to which the money therein specified is applied.

11. And be it enacted, That said park commissioners shall make and publish an annual report of all moneys received and paid out by them, specifying in detail to whom and for what purpose they were paid.

12. And be it enacted, That for the purpose of keeping in order and maintaining said park or parks, and to pay the interest on park bonds issued as aforesaid, the board of chosen freeholders shall annually appropriate sufficient sums for such purposes, which sums so appropriated shall be designated county park tax, and raised, levied and collected in the same manner as moneys for other county purposes are raised, levied and collected, and all moneys raised for the purpose of keeping in order and maintaining said park or parks shall, as soon as collected, be paid to the treasurer of the board of park commissioners, to be used by said commissioners for the purposes for which they were raised, and such moneys shall not be used for any other purpose; provided, said county park tax shall not exceed one mill on the dollar of the entire assessed value of all taxable property in such county.

13. And be it enacted, That all moneys realized from the sale of bonds issued under the provisions of this act shall be used by said park commissioners for the purchase of lands for park purposes, and for converting them into parks in the manner and to the extent authorized by this act, and such moneys shall be used for no other purpose whatever.

14. And be it enacted, That in any case commissioners shall be appointed in any county or counties under this act, the preliminary expenses incurred by such commissioners in selecting sites, making surveys and estimates, publishing notices and holding meetings, as required by the provisions of this act, shall be paid by the board of chosen freeholders, the same having been duly certified by the president of said board of park commissioners; provided, such expenses in the aggregate shall not exceed the sum of two thousand dollars.

15. And be it enacted, That the bonds issued under the provisions of this act shall be redeemed in the following manner, that is to say, at and after the expiration of ten years from the date of said bonds the board of chosen freeholders shall make an appropriation over and above the sums appropriated for the care and maintenance of said park or parks, and for the payment of the annual interest on said bonds, a sum sufficient to pay one per centum of the principal of said bonds; provided, the entire amount appropriated for park purposes in any one year shall not exceed one mill on the dollar of the entire assessed value of all the taxable property, real and personal, in such county, which moneys so appropriated shall be raised, assessed, levied and collected in the same manner as other county taxes are raised, assessed, levied and collected; and thereupon the board of chosen freeholders shall give notice that on a certain day they will receive proposals for the purchase of so many of said park bonds as the money so raised will purchase, which notice shall be published for at least thirty days before the day appointed for receiving proposals, in at least five newspapers published or circulating in said county, and thereupon they shall purchase the requisite number of bonds at the lowest price offered; provided, they shall not pay more than five per centum above the par value thereof and the accrued interest thereon; and in case a sufficient number of said bonds shall not be offered at or below the price above specified, the moneys so raised for the redemption of said bonds or the residue thereof, shall not be used for any other purpose, but shall be deposited in some safe deposit company or other institution authorized by law to receive money deposits and to pay interest thereon, which institution to receive such deposit or deposits shall be designated by resolution of the said board of chosen freeholders, and the moneys so deposited and the interest which may accumulate thereon shall so remain on deposit until the same may be used for the purchase of said park bonds at or below the price above specified, or until the principal of said bonds becomes due and payable, and shall be then applied to the purchase or redemption of said bonds.

16. And be it enacted, That when the principal of said bonds becomes due and payable, the board of chosen freeholders of said county shall have power to appropriate a sufficient amount of money to redeem such bonds as shall not have been redeemed or provided for as aforesaid and to cause the same to be raised, assessed, levied and collected, the same as other county taxes are assessed, levied and collected, or the said board of chosen freeholders may raise a sufficient sum of money for the purpose aforesaid by issuing other bonds to bear interest at a rate not exceeding four per centum per annum; provided the same shall not be sold for less than the par value thereof; and provided, that in case such bonds should be issued under this section of this act, the said board of chosen freeholders shall cause a sufficient sum to be raised by taxation every year thereafter to pay or purchase at least one per centum of the said principal of such bonds, the same to be applied, deposited and used in the same manner as hereinbefore provided for the redemption or purchase of one per centum per annum of the first issue of said bonds.

17. And be it enacted, That any park or parks established under the provisions of this act shall be used for public recreation, subject to reasonable rules and regulations, to be prescribed by the park commissioners.

18. And be it enacted, That no refreshments of any kind shall be sold or partaken of within said park or parks, except at such place or places and in such manner as said park commissioners shall prescribe, and by such persons or persons as shall be designated and permitted to sell refreshments by said park commissioners.

19. And be it enacted, That said park or parks shall be closed from sunset in the evening until sunrise in the morning for the use of the public, except on such occasions as the park commissioners may permit.

20. And be it enacted, That any person who shall violate any of the rules and regulations hereinbefore prescribed, or any of the rules and regulations to be prescribed by the said park commissioners, shall be deemed guilty of disorderly conduct, and it shall be the duty of every constable, and lawful for any other person, to apprehend, without warrant or process, any person found violating any of the said rules and regulations, and to take him or her before any justice of the peace or police justice of the county, and it shall be the duty of such justice to take the testimony of witnesses, hear and determine the matter, and if the person charged be found guilty he or she shall be punished for each offense by fine not exceeding twenty dollars, or by imprisonment in the county jail not exceeding ten days, or both, at the discretion of such justice, and all fines collected under the provisions of this act shall be paid over by such justice to the treasurer of the board of park commissioners, to be applied to the maintenance of such park or parks.

21. And be it enacted, That no beer, wine, brandy or any other alcoholic or intoxicating liquor shall ever be sold, drunk or partaken of by any person or persons in or upon said park or parks, and any person violating any of the provisions of this section of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or both.

22. And be it enacted, That this act shall take effect immediately.

Approved March 13, 1888.

CHAPTER CXXIX.

An Act to amend section four of the act entitled "An act to secure to workmen the payment of wages in lawful money," approved March twelfth, one thousand eight hundred and eighty.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That section four of the act entitled "An act to secure to workmen the payment of wages in lawful money," approved March twelfth, one thousand eight hundred and eighty, be and the same is hereby amended so that the same shall read as follows:

4. And be it enacted, That any glass manufacturer, ironmaster, foundryman, collier, factory-man, employer or company offending against the provisions of this act, shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars or more than one hundred dollars for each and every offense, or imprisonment not to exceed the term of thirty days, at the discretion of the court.

Approved March 13, 1888.

CHAPTER CXXX.

A Supplement to "An act to legalize certain newspapers, the issues of which have been temporarily suspended," approved March third, one thousand eight hundred and eighty.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That section one of "An act to legalize certain newspapers, the issues of which have been temporarily suspended," be amended so as to read as follows:

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That such temporary suspension shall not be regarded as an invalidation of the legal age of said newspapers, but that upon their resumption of publication within twelve weeks of their suspension as aforesaid, such papers shall be considered, as to age, as dating from their first publication, and they shall be as fully entitled to the state and other legal printing the same as though such suspension had never occurred.

3. And be it enacted, That this act shall take effect immediately.

Approved March 13, 1888.

CHAPTER CXXXI.

A Furthur Supplement to an act entitled "An act concerning township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the legal voters of any township in this state, in which the township committee consists of five members, may, at any town meeting, by a majority of votes cast, pass a resolution directing that the members of the township committee shall thereafter be elected for the term of three years.

2. And be it enacted, That upon the passage of such resolution in any township, the members elected therein for township committee shall, at their first meeting, determine by lot which two of said members shall hold office for the term of one year, which other two shall hold office for the term of two years, and which other one shall hold office for the term of three years; and the respective members shall thereupon hold office for the respective terms so determined, and at each succeeding town meeting thereafter in such township [illegible] township committee to be voted for and elected shall be such as to fill the places or place of the members or member whose term of office shall expire, and such new members or member shall be elected for the term of three years, except in the event of a vacancy of the office of a member during an unexpired term, in which event the vacancy shall be filled for the unexpired term only.

3. And be it enacted, That all parts of acts which are inconsistent with the provisions of this act, be and they are hereby repealed.

Approved March 13, 1888.

CHAPTER CXXXII.

An Act to amend an act entitled "An act to establish a system of public instruction," [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That section seventy-seven of the act entitled "An act to establish a system of public instruction" [revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

77. And be it enacted, That for the purpose of maintaining free public schools there shall be assessed, levied and collected annually upon the taxable real and personal property in this state, as exhibited by the latest abstract of ratables from the several counties, made out by the several boards of assessors and filed in the office of the comptroller of the treasury, a state school tax equal to five dollars for each child in this state between the ages of five and eighteen years, as exhibited by the next preceding school census, which tax shall be assessed, levied and collected at the same time and in the same manner in which other taxes are assessed, levied and collected; but if the moneys received by the school districts in any township from the tax imposed by this section shall not be sufficient to maintain free schools for at least nine months in each year, then the inhabitants thereof may raise by township tax such additional amount as they may need for that purpose in the same manner as such taxes have heretofore been raised.

2. And be it enacted, That section eighty-one of said act be and the same is hereby amended so as to read as follows:

81. And be it enacted, That it shall be the duty of the county superintendent of each county to apportion annually to the districts and cities of his county the state school moneys, together with the interest of the surplus revenue belonging to said county, and such other moneys as may be raised for school purposes, upon the basis of the last published school census; provided, that all children residing in fractional districts, situated in two or more adjoining townships, shall be included in the census of that township in which the fraction containing the school-house is situated; and provided also, that no district shall receive less than two hundred and seventy-five dollars, and that districts with forty-five children or more shall not receive less than three hundred and seventy-five dollars.

4. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1888.

CHAPTER CXXXIII.

An Act to provide for vacating dedicated streets, roads and alleys.

Whereas, Many roads, streets or alleys have been dedicated by the owner or owners of the land over which the same are laid, and have not been accepted by the public: and whereas, no sufficient law applicable to all municipalities is provided for relieving the land included in said roads, streets or alleys, from the burden of such dedication; therefore,

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That any road, street or alley which has been, or which may hereafter be dedicated by the owner or owners of the land over which the same is laid, may, before or after it is accepted by the public, be vacated in the same manner as any public road, street or alley; that this act shall apply to all cities, towns, townships and other municipalities in this state.

2. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1888.

CHAPTER CXXXIV.

An Act relating to the sale of lands for unpaid taxes and assessments in this state, and proceedings in reference thereto.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That in all actions or proceedings in any court of this state, wherein the title to any land or real estate heretofore sold in this state for unpaid taxes or assessments, shall come in question, the declaration or certificate of sale made or issued by the municipal officer or authority of the city, town, township or borough making such sale, shall be prima facie evidence that all acts necessary to the validity of such sale have been regularly and legally done and performed, so far as the said certificate shall recite such acts to have been done and performed.

2. And be it enacted, That hereafter, whenever in any city, town, township or borough of this state, any lands or real estate is or shall be sold for unpaid taxes or assessments, the officer whose duty it is by law to make such sale, shall make or procure to be made, executed and delivered to the purchaser of such land or real estate at such sale, his executor, administrator or assigns, a declaration or certificate of sale, describing therein the said lands or real estate so sold, which declaration or certificate of sale shall be signed and executed as now required by law, and such declaration or certificate of sale executed as aforesaid, shall be presumptive evidence in all courts in all actions or proceedings by or against such purchaser or purchasers, his, her or their legal representatives or assigns of the title of such purchaser or purchasers to the said lands or real estate in such declaration or certificate of sale designated, and of the regularity and validity of all proceedings previously had in reference to said sale; provided, nothing in this act shall be construed to affect in any way proceedings under chapter one hundred and twelve of the laws of eighteen hundred and eighty-six.

3. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1888.

CHAPTER CXXXV.

A Supplement to an act entitled "An act for the construction, maintenance and operation of water-works, for the purpose of supplying cities, towns and villages of this state with water," approved April twenty-first, one thousand eight hundred and seventy-six.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That section fifteen of the act to which this is a supplement, be and the same is hereby amended to read as follows:

15. And be it enacted, That any aqueduct company now in existence under any special charter in this state, and any company which has been incorporated under the provisions of this act, shall have the right from time to time, to add to and extend their works to such extent as may be necessary to carry out the purposes of its corporation, and for that purpose to take all such lands and divert all such streams of water, in the manner hereinbefore provided, as shall be necessary for that purpose; provided, that nothing in this section shall be deemed, taken or construed to empower or authorize any aqueduct or water company to supply or furnish water within the corporate limits of any city of this state owning or controlling its water-supply.

2. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1888.

CHAPTER CXXXVI.

An Act regulating appeals from special assessments in towns governed by a board of commissioners where an appeal has been heretofore given to three chosen freeholders.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That where in the act incorporating any town governed by a board of commissioners, or in any supplement to such act, an appeal from any special assessment has heretofore been given to any three chosen freeholders of the county in which said town is located, an appeal shall only lie hereafter to and be determined by three persons, residents of the county in which such town is located, who shall be appointed by any justice of the supreme court of this state, either in term-time or in vacation, which appointment shall be made upon the application of the party appealing, who shall give such board of commissioners five days' notice, in writing, of the time, place and purport of such application.

2. And be it enacted, That any provision contained in any act of incorporation or any supplement thereto referred to in the first section of this act, inconsistent with said section, be and the same is hereby repealed.

Approved March 21, 1888.

CHAPTER CXXXVII.

A Further Supplement to an act entitled "An act concerning evidence" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all transcripts of returns of deaths, marriages, and births made by any physician, clergyman or other person, according to law, to any county board of health or local board of health of any municipality in this state, empowered by law to receive such returns; or transcripts of the record of such return recorded by such board, and made as hereinafter directed, shall be received as legal evidence in any court of law or equity in this state.

2. And be it enacted, That said transcripts shall be a copy of the return as originally made, or a copy of the record thereof as recorded by the clerk or registrar of said board, and shall be signed by said clerk or registrar and by him certified to be a true copy of said return or record, and that thereupon such certified transcript shall be received as prima facie evidence of the matters and facts therein stated.

3. And be it enacted, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 21, 1888.

CHAPTER CXXXVIII.

An Act to amend an act entitled "An act for the better protection of manufacturers and bottlers of and dealers in mineral waters, beer, ale, porter and other beverages," approved March eleventh, one thousand eight hundred and eighty-one.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the first section of the act to which this is amendatory shall be and is hereby amended so as to read as follows:

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all manufacturers of and dealers in mineral waters, beer, ale, porter or any other beverage whatsoever, and also all dairymen, producers and bottlers of and dealers in milk using or having to use boxes or bottles upon which his, her or their name or names, mark or marks, shall be respectively marked stamped or impressed, may file in the office of the clerk of the county in which the business of any such manufacturer, dairyman, producer, bottler or dealer is conducted, or in the county wherein the principal office or depot of any such manufacturer, bottler or dealer shall be located doing business in this state but manufacturing or bottling out of this state, a description of such boxes or bottles, and of the name or names, mark or marks thereon, and may cause the same to be published for four weeks successively in a daily, weekly or other newspaper published in said county.

2. And be it enacted, That this act shall take effect immediately.

Approved March, 21, 1888.

CHAPTER CXXXIX.

A Further Supplement to an act entitled "An act to provide for drainage and sewage in densely populated townships in which there is a public water-supply," approved the fourth day of March, anno domini one thousand eight hundred and eighty-four.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the first section of a certain act entitled "An act to provide for drainage and sewage in densely populated townships in which there is a public water-supply," approved the fourth day of March, anno domini one thousand eight hundred and eighty-four, shall be and hereby is amended so as to read as follows:

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That in any township in this state in which the population has become or shall hereafter become so dense as to average not less than one thousand inhabitants to the square mile of territorial area contained in such township, and in which a supply of water for public and domestic use is furnished or shall be furnished from water-works, it shall be lawful for the township committee to provide for, obtain and cause to be constructed a system of sewerage, or of drainage, or both.

2. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1888.

CHAPTER CXL.

An Act to provide for addition to the assembly chamber and the enlarging of the clerk's room of said chamber.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the governor, treasurer, comptroller and attorney-general of this state shall be and they are hereby empowered to enlarge the room now occupied by the clerk of the assembly, and to tear down and rebuild all necessary walls and foundations, and to make such arrangement of the interior as may be convenient, and to expend for such purpose such money as shall be necessary, not exceeding five thousand dollars, which moneys shall be paid on the requisition of the said officers by the state treasurer, on the warrant of the comptroller.

2. And be it enacted, That said work shall be commenced immediately after the final adjournment of the present session and completed before the next session of the legislature.

3. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1888.

CHAPTER CXLI.

A Supplement to "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for the members of any mutual association or corporation heretofore or hereafter incorporated or organized under or by any law of this state, to provide for and create a capital stock of such association or corporation, upon the consent in writing of all the members of such association or corporation, and to provide for the payment of such stock, and to fix and prescribe the rights and privileges of the stockholders therein.

2. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1888.

CHAPTER CXLII.

An Act authorizing towns and townships in certain cases to construct sewers in, over or across the streets adjoining municipalities.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That when any town or township in this state, the council or governing body of which has authority to built or construct sewers, is so situated that any section of such town or township has no immediate outlet for sewerage or drainage, except through or across the territory of an adjoining municipality, it shall be lawful for the council or governing body of such town or township to build and construct, in connection with and as part of, any main sewer in process of construction or proposed to be laid or built in such town or township, an extension or outlet sewer in, through and across the streets and highways of such adjoining municipality, in such manner, and to such point or place of discharge, and upon such terms and conditions as shall or may be mutually agreed upon by the council or governing body of such town and the proper municipal board of such adjoining municipality; and all cost and expenses attending the construction of such extension or outlet sewer shall, for the purpose of assessment, be included in and form part of the cost of the main sewer in connection with which it shall be built; provided, that any such sewer shall not be so constructed as to at any time empty or discharge any of its contents into any creek, stream, lake, pond or water-course, the waters of which are used for or connect with the waters of any river, creek, stream, lake, pond or water course used for the supply of water to any aqueduct, water main or reservoir of any city, town, township or municipality of this state.

2. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1888.

CHAPTER CXLIII.

An Act to authorize the payment of the sum of one hundred and fifty dollars to John W. Simmons, the late sergeant-at-arms of the senate.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be and he is hereby authorized to pay to John W. Simmons, upon the warrant of the comptroller, which warrant the comptroller is hereby authorized to draw, the sum of one hundred and fifty dollars for services rendered as sergeant-at-arms of the senate during session of one thousand eight hundred and eighty-seven.

2. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1888.

CHAPTER CXLIV.

An Act respecting the confinement of persons under the age of sixteen years detained in the jails, work-houses, penitentiaries and other places of confinement in the several counties of this state.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be the duty of the sheriffs, jailors, wardens, keepers and other persons having charge and control of the jails, work-houses, penitentiaries and other places of confinement in this state to keep all persons under the age of sixteen years who shall be detained in such jails, work-houses, penitentiaries and places of confinement, for any purpose whatever, separate and apart from and so that no communication take place between them and other persons above such age confined therein on a charge or conviction of crime.

2. And be it enacted, That the boards of chosen freeholders of the several counties of this state be and they are hereby required to so arrange the jails, work-houses, penitentiaries and places of confinement in their respective counties that all persons under the age of sixteen years who shall be detained in such jails, work-houses, penitentiaries and places of confinement for any purpose whatsoever, shall be kept separate and apart from and so that no communication take place between them and other persons above such age confined therein on a charge or conviction of crime; and in case it is impracticable to so arrange the buildings now used for such purposes it shall be the duty of such boards of chosen freeholders, and they are hereby required to provide such places as shall be necessary to accomplish the purposes of this act.

3. And be it enacted, That no justice of the peace, police justice, recorder or other magistrate in this state shall detain or cause to be detained, in any station house, lockup or other place of confinement, for a longer period than twenty-four hours after such person shall be first brought before such justice of the peace, police justice, recorder or other magistrate, any person under the age of sixteen years, unless there shall have been provided in such station-house lockup, or place of confinement means by which such persons under sixteen years of age may be detained separate and apart from persons above such age.

2. And be it enacted, that this act shall take effect immediately.

Approved March 21, 1888.

CHAPTER CXLV.

An Act to authorize the payment to John T. Burton the sum of one hundred dollars, for services rendered as one of the keepers of the ladies' gallery of the house of assembly, session of one thousand eight hundred and eighty-seven.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be and is hereby authorized to pay to John T. Burton, upon the warrant of the comptroller, which warrant the comptroller is hereby authorized to draw the sum of one hundred dollars, for services rendered as one of the keepers of the ladies' gallery of the house of assembly, session of one thousand eight hundred and eighty-seven.

2. And be it enacted, That this act shall take effect immediately.

Passed March 21, 1888.

CHAPTER CXLVI.

An Act to provide for the payment of a compensation of one hundred dollars to Thomas S Kircher, a door-tender of the house of assembly, of the session of one thousand eight hundred and eighty-seven.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That there shall be paid by the treasurer of the state, upon the warrant of the comptroller, to Thomas S. Kircher, the sum of one hundred dollars, for services rendered as door-tender of the general assembly, session of one thousand eight hundred and eighty-seven.

Passed March 21, 1888.

CHAPTER CXLVII.

A Further Supplement to "An act respecting conveyances" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Whereas, Commissioners of deeds in and for this state, in some instances, have, through inadvertance or mistake continued to take acknowledgments and proofs of deeds, mortgages and other writings, after their term of office had expired, or after their commissions had become void by reason of removal out of the township, ward or district in which they resided at the time of their appointment, and innocent persons may be subjected to loss or injury thereby; therefore

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all acknowledgements and proofs of deeds, mortgages and other writings, and the certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this state, whose term of office had expired, or whose office had been vacated, or whose commission had become void at the time of taking such acknowledgment or proof, and the records of such deeds, mortgages and other writings are hereby confirmed and made valid and legal and effectual to the extent that the same would have been valid, [illegible] of the commissioner taking such acknowledgement or proof had not expired, nor his office been vacated, nor his commission become void as aforesaid.

2. And be it enacted, That this act, being a public act, shall take effect immediately.

Approved March 22, 1888.

CHAPTER CXLVIII.

An Act to empower certain police officers to take bail in certain cases.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That hereafter whenever any person is arrested for the commission of any offense except intoxication, for which any police justice, recorder or justice of the peace now has jurisdiction to impose a fine or imprisonment, it shall be lawful for, and shall be the duty of, the sergeant of police or other police officer in charge of any station-house to which any such person may be brought under arrest, for the commission of such offense, to take bail of not less than one hundred dollars for the appearance of such prisoner before the police justice, recorder or justice of the peace before whom the said prisoner is to be arraigned.

2. And be it enacted, That this act shall take effect immediately.

Approved March 22, 1888.

CHAPTER CXLIX.

Supplement to an act entitled "An act to provide for the better security of life and limb in cases of fire in hotels and other buildings," approved March seventeenth, one thousand eight hundred and eighty-two.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all persons owning, leasing or in any manner having charge or control of any hotel or boarding house, or any public school, or other public building, factory, manufactory or work shop of any kind, or any kind, or any other building (in which guests, students, employees or operatives, or any persons whatsoever, to the number of thirty or more are accommodated, or are steadily or casually at work or do congregate,) when any such buildings are three or more stories in height (or any dwelling house three or more stories in height, occupied by, or built to be occupied by, three or more families above the first story,) said owners or lessees, or other person having charge or control of said buildings, shall provide all such buildings with a permanent and safe external means of escape therefrom, which shall be so arranged that in case of fire the ground can be readily reached by the persons occupying the third and higher floors.

2. And be enacted, That it shall be the duty of the fire inspector or superintendent of buildings of any city, town, borough or township in this state, or of any common council, board of aldermen or other governing board of any city, town, borough or township of this state, by whatever name such authorities may be known, in case there is no fire inspector or superintendent of buildings in such city, town, borough or township, to designate the number of, and the kind and manner of the erection of such external fire escapes to or upon any of said buildings, and shall give notice in writing to the owner or lessee, or the person having charge or control of any such building, setting forth in said notice the number and kind of, and the manner in which said external fire escape or escapes is or are to be erected, as required by said fire inspector or superintendent of buildings, or by ordinance of said municipal authorities, or by resolution of any of said governing boards.

3. And be it enacted, That any violation of this act, or neglect to comply with such notice to put up said fire escape or escapes within ninety days after said notice is received, shall be deemed a misdemeanor; and any person convicted thereof shall be liable to a fine not exceeding three hundred dollars, in the discretion of the court: and any person or corporation failing to comply with the provisions of this act shall be liable in an action for damages in case of death or personal injuries sustained because of the absence or disrepair of such fire escape, or in case of fire breaking out in any building upon which there shall be no such efficient fire escape; and such action may be maintained by any person now authorized by law to sue, as in other cases of similar injuries.

4. And be it enacted, That this act shall take effect immediately, and that all acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

Approved March 22, 1888.

CHAPTER CL.

A Supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. And be it enacted, That all acts or parts of acts that are inconsistent with this act, be any borough incorporated under the provisions of the act to which this is a supplement, may extend its corporate boundaries in the following manner: upon a petition being presented to the borough council of such borough, setting forth the boundaries of the land so to be included within the limits of such borough and signed by persons owning at least two-thirds of the land described in said petition, and petitioning the borough council to extend the limits of said borough so as to include said land, the borough council may pass an ordinance enacting and ordaining that the boundaries of the borough shall be extended so that the land described in said petition may be included therein, which said ordinance shall set forth specifically the boundaries of the land so to be added to said borough.

2. And be it enacted, That after the said ordinance shall have been passed, approved by the mayor of said borough, and advertised according to law, a copy of the same shall be forthwith transmitted by the borough clerk of such borough to the county clerk of the county in which such borough is situate, and also a copy of the same transmitted to the secretary of state, and upon said copies of said ordinance being filed in said offices of said county clerk and secretary of state, the land so set forth in said petition and ordinance shall form a part of said borough and become subject to all the laws and ordinances regulating and governing the same.

3. And be it enacted, That this act shall take effect immediately.

Approved March 22, 1888.

CHAPTER CLI.

A Supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That any person who shall sell, circulate, or attempt to circulate, or offer for sale, or keep, or expose on any news stand, or other place of sale, any obscene, vulgar or indecent papers, books or periodicals, or any in which are illustrated any indecent or vulgar pictures, or three or more pictures purporting to illustrate the commission of criminal acts, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding two months, or both.

Approved March 22, 1888.

CHAPTER CLII.

An Act to amend an act entitled "An act relative to dower," approved April sixteenth, one thousand eight hundred and forty-six.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the seventeenth action of the act to which this is amendatory shall be and is hereby amended so as to read as follows:

17. And be it enacted, That it shall be lawful for any widow entitled to dower in any lands or real estate of which her husband died seized, or for any heir or heirs, devisee or devisees, or guardian of any minor child or children, entitled to any estate in the said lands or real estate, or for any purpose thereof, to apply by petition to the orphans' court of the county where the said lands or real estate are situated for the appointment of commissioners to assign to such widow her dower in the said lands and real estate, whereupon the said court shall appoint three discreet and disinterested persons, resident in the said county, commissioners to admeasure and set off as speedily as conveniently may be one third part of the said lands and real estate as the said widow's dower, which commissioners before they enter upon the duty assigned them, shall be sworn or affirmed before the surrogate or any other person authorized to administer oaths in the said county, faithfully, honestly and impartially to execute the trust reposed in them respectively.

2. And be it enacted, That this act shall take effect immediately.

Approved March 22, 1888.

CHAPTER CLIII.

A Supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy eight.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all boroughs heretofore incorporated under the act to which this is a supplement, embracing within their corporate boundaries an area exceeding two square miles, where there has been held one or more elections for the purpose of electing borough officers, and where the officers so elected have held and exercised their several offices, be and the same are hereby confirmed and declared to be legal and effectual to the extent that the same would have been valid, legal and effectual if it had been legally incorporated.

2. And be it enacted, That this act shall take effect immediately.

Approved March 22, 1888.

CHAPTER CLIV.

A Further Supplement to an act entitled "An act for the government and regulation of the state prison," passed April twenty-first, one thousand eight hundred and seventy-six.

Whereas, By reason of the great increase in the number of convicts in the state prison, it is found impossible for one moral instructor or teacher, now provided for by law, to fulfill all the requirements of the office; therefore,

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the board of inspectors of the state prison, when in their judgment it shall be necessary, shall be authorized to employ for such time and at such compensation as they shall see fit, a clergyman of good repute and standing to act as additional teacher and moral instructor to the convicts in the said prison; provided, that the annual compensation to the moral instructors of the said prison shall not exceed the sum of two thousand dollars.

2. And be it enacted, That this act shall take effect immediately.

Approved March 22, 1888.

CHAPTER CLV.

An Act to authorize land, improvement companies having authority to purchase and enjoy a ferry or ferries, to sell and transfer their franchise or franchises of operating a ferry or ferries and the property connected therewith.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That any corporation organized under any law of this state for the purpose of laying out and improving such lands as it is authorized to own or purchase, and having power under its act of incorporation or any supplement thereto, to purchase and enjoy ferry rights, shall have power whenever the directors of such company deem it advisable to separate such ferry rights from the other property and franchises of such company, to sell and transfer its franchise of owning, operating and enjoying a ferry or ferries and all its property, real and personal, connected therewith or appurtenant thereto, to any other corporation organized or to be organized under the laws of this state, authorized by law to transact the business of transporting goods, merchandise or passengers by water, at such price and upon such terms as may be agreed upon by and between the directors of said two corporations, and to receive payment therefor either in money, property or in the capital stock of such purchasing corporation; and after such sale and transfer it shall be lawful for the corporation purchasing such franchise or franchises and the property connected therewith or appurtenant thereto, to possess and enjoy the same as fully in all respects as the corporation selling the same by its charter or any supplement thereto is authorized to enjoy such rights and franchises; provided, however, that this act shall not apply to any corporation unless such corporation shall first and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney general, waiving all rights of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence or that may hereafter be passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of the state, if any there exist, to take the property of such corporation under any existing law of the state, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

2. And be it enacted, That this act shall be deemed a public act and shall take effect immediately.

Approved March 22, 1888.

CHAPTER CLVI.

An Act respecting bridges and the causeways or other roads leading thereto.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That whenever a majority of the board of chosen freeholders of any county in this state shall agree upon the utility of maintaining any toll-bridge or bridge for crossing which toll is charged or exacted, as a free public bridge, it shall be lawful for said chosen freeholders, by gift or purchase for one dollar or other mere nominal consideration, to acquire such bridge; and thereafter such bridge shall be, become and remain a free public bridge as if originally built by such board of chosen freeholders; provided, however, any causeways or other roads leading thereto and now maintained and kept in repair by the owners, lessees or assignees of such lessees of such bridge, shall be surrendered and delivered up at the same time as the said bridge shall be acquired by and delivered to the said chosen freeholders, and such causeways or other roads shall thereafter be and remain a public highway, and shall be maintained and kept in repair as such by the proper public or municipal authorities, and the said owners, lessees or assignees of any such bridge and causeways or other roads, are hereby authorized and empowered to surrender and deliver said bridge and causeways or other roads leading thereto, to said chosen freeholders, notwithstanding the term demised by any lease thereof may not then have expired; and upon such delivery and acceptance, the duties of such owners, lessees or assignees of any such lease to maintain or keep in repair said bridge, causeways or other roads shall cease and end.

2. And be it enacted, That this act shall be a public act and take effect immediately.

Approved March 22, 1888.

CHAPTER CLVII.

An Act in relation to the use of bicycles and tricycles.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That bicycles and tricycles, and all other vehicles propelled by pedo-motive or manu-motive power, are hereby declared to be carriages within the meaning of that term as used in section ninety-one of the act entitled "An act concerning roads," [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and that all persons by whom bicycles, tricycles and said other vehicles are or may hereafter be used, ridden or propelled upon the turnpikes or public roads in this state shall be entitled to the same rights and privileges and subject to the same restrictions in the use thereof as are prescribed in said section ninety-one in the case of drivers of carriages, sleighs and sleds.

2. And be it enacted, That the mayor and common council, commissioners, overseers or other authorities having charge or control of any public street, public road or turnpike, public parkway, driveway or other public place in this state, shall have no power to pass, enforce or maintain any ordinance, rule or regulation by which any person using a bicycle or tricycle shall be excluded or prohibited from the free use of any public street, avenue, road, turnpike, driveway, parkway or other public place at any time when the same is or may hereafter be open to the free use of persons having or using other pleasure carriages.

3. And be it enacted, That nothing in this act shall be so construed as to prevent the passage, enforcement or maintenance of any regulation, ordinance or rule regulating the use of bicycles or tricycles in public streets, avenues, roads, turnpikes, driveways, parkways and other public places in such manner as to limit and determine the proper rate of speed with which such vehicles may be propelled, nor in such manner as to require, direct or prohibit the use of bells, and other such appurtenances, nor to prohibit the use of any vehicle upon that part of the street road or parkway commonly known as the foot-path or sidewalk.

4. And be it enacted, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1888.

CHAPTER CLVIII.

A Further Supplement to the act entitled "An act to provide additional accommodation for the insane of the state," approved March thirty-first, one thousand eight hundred and seventy-one, and the supplements thereto.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That in order to enable the board of managers of the state asylum for the insane at Morristown to complete the system of sewerage recently established and to replace current funds used in the construction of the works for sewage disposal, the sum of nine thousand dollars be and the same is hereby appropriated, the further sum of fifteen thousand dollars for the construction of new barns and outbuildings, the further sum of three thousand dollars for the enlargement of the reservoir, and the further sum of three thousand dollars for the necessary changes and improvements in the water-closets as stated in the annual report of the board of managers, the said several sums to be paid by the treasurer of the state on warrant of the comptroller drawn on the requisition of the said board of managers, provided, that none of the money hereby appropriated shall be used or expended for any other purpose whatever except those herein specified.

3. And be it enacted, That this act shall take effect immediately.

Approved March 23, 1888.

CHAPTER CLX.

A Further Supplement to an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for any corporation incorporated under the act to which this is a supplement, or under any of the laws of this state, whenever a majority of the directors thereof, shall so decide, to purchase or rent of and from any company or companies incorporated under any of the laws of this state, any boats, vessels or barges, whether propelled by steam or otherwise, and also any wharves, piers, docks, landings and buildings situate at or near any terminus of its road, capable of being of use in the transportation of freight or passengers; and such other company or companies are hereby authorized and empowered to make such sale or lease whenever a majority of the directors thereof shall decide.

2. And be it enacted, That this act shall apply to any company or companies now incorporated and shall take effect immediately.

Approved March 23, 1888.

CHAPTER CLXI.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to provide for the organization of the state lunatic asylum and for the care and maintenance of the insane,'" approved February twenty-third, one thousand eight hundred and forty-seven, which supplement was approved March seventh, one thousand eight hundred and sixty-seven.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the managers of the state lunatic asylum be and they are hereby authorized, on the nomination of the superintendent, to appoint two additional assistant physicians who shall reside in the asylum, and be designated resident officers thereof.

2. And be it enacted, That the sum of eight thousand dollars, limited in the second section of the act to which this is a supplement, for the aggregate amount of the annual salaries of the resident officers and treasurer of the asylum, be and the same is hereby increased to ten thousand dollars.

Approved March 23, 1888.

CHAPTER CLXII.

An Act to provide for the preservation and protection of the state boundary monuments and marks.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That in case any of the monuments or marks set for designating the boundaries or partition lines between this and any of the adjoining states be destroyed, mutilated or their integrity in any way endangered, the governor of this state is hereby empowered to cause such monuments or marks to be restored, repaired or protected in such way as may secure their preservation and identity; and the necessary expenses incurred in carrying out these purposes, shall be paid upon the warrant of the comptroller, by the treasurer of this state, upon all bills contracted for this purpose, and approved by the governor.

2. And be it enacted, That this act shall take effect immediately.

Approved March 23, 1888.

CHAPTER CLXIII.

A Further Supplement to an act entitled "An act to establish and organize the state reform school for juvenile offenders," approved April sixth, one thousand eight hundred and sixty five.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the superintendent, visiting agent and family officers of the state reform school for juvenile offenders shall, while occupying their respective positions as such officers, have and be fully vested with the power to arrest, without a warrant, in any place within the state of New Jersey, any boy or boys committed to said school who shall leave the same without first obtaining a lawful discharge therefrom, and to convey said boy or boys back to said school.

2. And be it enacted, That the said superintendent may, whenever he shall deem it necessary, appoint in writing any of the subordinate officers or employees of said school, not mentioned in the preceding section, as special officers to seek after and to arrest any boy named in such written appointment who may have escaped from said school, which special officers shall have the same powers for the particular case in which they may be appointed as are given in the preceding section to the superintendent, visiting agent and family officers.

3. And be it enacted, That this act shall take effect immediately.

Approved March 23, 1888.

CHAPTER CLXIV.

A Further Supplement to an act entitled "An act to provide for the drainage of lands," approved March eighth, in the year of our Lord one thousand eight hundred and seventy-one.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That section one of an act entitled "A further supplement to act entitled 'An act to provide for the drainage of lands,'" approved March eighth, one thousand eight hundred and seventy-one, which supplement was approved March eighth, one thousand eight hundred and seventy-seven, be and the same is hereby amended so as to read as follows:

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the board of managers of the geological survey may, and it shall be lawful for said board, at any time to add to, alter or amend any system or plan of drainage for any tract of land which is subject to overflow from freshets, or which is usually in a low, marshy, boggy or wet condition, which said board has heretofore adopted and filed in the office of the clerk of the supreme court, or which said board shall hereafter adopt and file in the office of the clerk of the supreme court; but such addition, alteration or amendment shall first be submitted by said board to the supreme court of this state and approved by it upon such reasonable notice to the persons interested, by publication in the newspapers or otherwise, as said court shall direct; every such addition, alteration or amendment, after being adopted by said board and approved by said court, shall be filed in the office of the clerk of the supreme court, and thereupon such addition, alteration or amendment shall become and be a part of the system or plan of drainage to which such addition, alteration or amendment relates, and shall be executed by the commissioners appointed by the supreme court, as if such addition, alteration or amendment had been incorporated into and formed a part of the original system or plan.

2. And be it enacted, That any owner of land assessed for drainage under the act to which this is a supplement, who may be injured by reason of any drift of wood or accumulation of gravel or other substance or obstruction caused by, produced upon the lands of another in the channel of any ditch, stream or water course for the construction or improvement of which his land shall have been assessed, after three days' notice previously given to the owner or occupant of such lands as if they are occupied, and if not occupied, then without such notice, may enter thereon with such assistance as may be necessary, and then and there remove such drifts, gravel or other obstruction, but any person so entering shall remain liable at common law for any injury done to the rights of the owner or occupant of such land which might be avoided in the removal of such obstruction, and shall not remove off of the land upon which such drift or obstruction may be situate, any of the substances composing such drift or other obstruction.

3. And be it enacted, That the chosen freeholders of any county are authorized to cause to be removed from any river or water course within their county which has been improved under the provisions of the act to which this is a supplement, any drift, timber, gravel bed or other obstruction (except mill dams or water works) that may impair the efficiency of any such improvement, whenever in their opinion such removal shall be conducive to the public health, or shall be advisable for the better protection of any county road or bridge, and the expense of such removal shall be a county charge.

4. And be it enacted, That whenever any improvement made under the provisions of the act to which this is a supplement requires to be repaired, or when any water-course or river which has been improved under the provisions of this act shall have become obstructed, any five owners of lands which have been assessed under the provisions of said act, and which shall be injured by such want of repair or obstruction, may apply by petition to the board of geological survey, setting forth a description of the work necessary and desired, with an estimate of the cost to be incurred, whereupon, if the work shall seem to the said board to be of sufficient importance, they shall investigate the application; and in case they shall approve the same shall report to the next term of the supreme court, setting forth what repairs are needed and what obstructions required to be removed with a survey and plan of the necessary work and with an estimate of the cost thereof, which report shall be considered by said court on such reasonable notice to the persons interested, by publication in the newspapers or otherwise, as said court shall direct; if such plan shall be approved by the court, the said court shall proceed to appoint three commissioners to execute the same, who shall proceed to carry it out and to raise money by the issuing of bonds if necessary, and to assess the cost upon the lands benefited by the improvement in proportion to the benefits received, and they shall proceed, in making such improvement and assessment and in the raising of the money therefor, in the same manner as the commissioners appointed under this act to make the original improvement, and shall possess all the powers of the commissioners so appointed for the carrying out of said plan.

5. And be it enacted, That it shall be lawful for the commissioners appointed under this act, or under the act to which this is a supplement, with the approval of the board of geological survey, to contract with the owner of any mill dam or water works for the construction and maintenance by such owner of flood gates and for the use of the same to carry away the water in times of flood or freshet, and any contract so made shall be filed in the office of the clerk of the supreme court, and shall be enforced from time to time as may be necessary, by the attorney-general at the request and in the name of the board of geological survey, by bill of equity or such other remedy as may be appropriate.

6. And be it enacted, That this act shall take effect immediately.

Approved March 23, 1888.

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